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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,746	08/22/2001	Paul Graves Mcelroy	72123	9028
27975	7590	10/05/2005		
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			EXAMINER GURSHMAN, GRIGORY	
			ART UNIT 2132	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,746

Applicant(s)

MCELROY ET AL.

Examiner

Grigory Gurshman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Remarks

1. Applicant has canceled claims 1-18 and filed new claims 19-22.
2. Applicant's remarks have been considered, but are mute in view of the fact that new claims 19-22 are rejected under new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolbenson (U.S. Patent No. 5,594,727) in view of Elliott (U.S. Patent No. 6,335,927 B1).
5. Referring to the instant claims, Kolbenson discloses a telephone switch providing dynamic allocation of time division multiplex resources (see abstract and Fig. 1). Kolbenson teaches that customer may connect its telephones to lines that connect, through an IAD, to a network of voice rate lines and its modems and facsimile machines to lines that connect, through the IAD, to a network of data rate lines (see col. 1, lines 62-67).
6. Referring to the independent claims 19, the limitation "an integrated access device (IAD), through which packetized voice and data services are supplied to a customer ...

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IAD to conform with those of various pieces of equipment employed by a service provider..." is met by IAD (unit 19 in Fig. 1) and customer port module (20 -2) and port module (30-2) connected to PSTN data network line (see Fig. 1). The limitation IAD "configured for operation with the communication interface circuits" is met by IAD (19) and unit 45 (in Fig. 1). Kolbenson teaches configuring the IAD (see Figs. 9- 10), which meets the limitation "configuring one or more special features of the IAD to increase throughput". Kolbenson teaches IAD connected to voice rate lines of MCI and AT&T (see column 2, lines 35-45), which meets the limitation (a) "testing of all possible line rates". Referring to the limitation (d) "locating a voice gateway..." based on "message based protocol", Kolbenson teaches the use of parameters associated with the number of ports and port signaling (see port module 30-2 in Figs. 1 and 2).

7. While Kolbenson, teaches configuring features of IAD, he does not explicitly teach configuring IAD based on the type of encoding employed by of the connected device.

Referring to the instant claims, Elliott discloses a system and method for providing requested quality of service in a hybrid network (see abstract). Elliott teaches that telephone calls, data and other multimedia information is routed through a hybrid network which includes transfer of information across the internet. A media order entry captures complete user profile information for a user (see abstract and Fig. 1C).

According to Elliott the IAD is connected to the PSTN, the information traveling over that interface is not PCM voice, it is IP data packets. In the case of telephony over the IAD, the IP data packets happen to be voice packets, but the IAD has no visibility into those packets and cannot distinguish a voice packet from a data packet. The IAD can

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be thought of as a modem pool that provides access to the Internet. Elliott teaches that support for each media type (voice, data, video) is optional, but if supported, the ability to use a specified *common mode of operation is required*, so that all terminals supporting that media type can interwork (see Fig. 19 B). According to Elliott the mode of operation is based on encoding.

8. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to configure IAD of Kolbenson by determining the type of encoding based on the known operating mode as taught in Elliott. One of ordinary skill in the art would have been motivated to configure IAD of Kolbenson by determining the type of encoding based on the known operating mode as taught in Elliott for ability of the terminals supporting the media to interwork (see Fig. 19B of Elliott).

9. Referring to claim 20, it is well known in the art to have digital communication links using HDLC or ATM protocols. For example they are used in the hybrid networks as the one disclosed by Elliott. One of ordinary skill in the art would have been motivated to determine the type of encoding based on HDLC or ATM protocol for configuring the IAD.

10. Referring to claims 21 and 22, Kolbenson and Elliot teach determining the type of encoding. It would have been obvious to one of ordinary skill in the art to determine the type of encoding by examining the data stream for presence of known encoding/decoding frames corresponding to a particular protocol for identifying the communication protocol to be employed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (571)272-3803. The examiner can normally be reached on 9 AM-5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571)272-3799. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Grigory Gurshman
Examiner
Art Unit 2132

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GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100